

Notice of Allowability

Application No.

10/606,121

Examiner

David D. Le

Applicant(s)

TSUZUKI ET AL.

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 27 October 2004.
2. ☒ The allowed claim(s) is/are 1-3 and 10-15.
3. ☒ The drawings filed on 26 June 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This is the second Office action on the merits of Application No. 10/606,121, filed on 26 June 2003. Claims 1-3 and 10-15 are pending.

Documents

2. The following documents have been received and filed as part of the patent application:
- Declaration and Power of Attorney, received on 11/10/03
 - Information Disclosure Statement, received on 07/28/03
 - Foreign Priority Document, received 06/26/03

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney, George A. Loud, on 03 November 2004.

The application has been amended as follows:

Claim 10:

- Lines 7-8, respectively replace "a traveling range", "a traveling speed", and "a predetermined value" with --the traveling range--, --the traveling speed--, and --the predetermined value--.

Claim 11:

- Line 1, replace “according to claim 5” with --according to claim 2--; and
- Lines 7-8, respectively replace “a traveling range”, “a traveling speed”, and “a predetermined value” with --the traveling range--, --the traveling speed--, and --the predetermined value--.

Claim 12:

- Line 1, replace “according to claim 6” with --according to claim 3--; and
- Lines 7-8, respectively replace “a traveling range”, “a traveling speed”, and “a predetermined value” with --the traveling range--, --the traveling speed--, and --the predetermined value--.

Claim 13:

- Line 5, replace “a traveling range” with --the traveling range--; and
- Lines 6-7, respectively replace “a traveling speed” and “a predetermined value” with --the traveling speed-- and --the predetermined value--.

Claim 14:

- Line 1, replace “according to claim 5” with --according to claim 2--;
- Line 5, replace “a traveling range” with --the traveling range--; and
- Lines 6-7, respectively replace “a traveling speed” and “a predetermined value” with --the traveling speed-- and --the predetermined value--.

Claim 15:

- Line 1, replace “according to claim 6” with --according to claim 3--;
- Line 5, replace “a traveling range” with --the traveling range--; and
- Lines 6-7, respectively replace “a traveling speed” and “a predetermined value” with --the traveling speed-- and --the predetermined value--.

Allowable Subject Matter

4. Claims 1-3 and 10-15 are allowed.
5. The following is an examiner’s statement of reasons for allowance:

The prior art of record fails to show or render obvious a vehicle range shift mechanism comprising a range selecting mechanism, a drive mechanism, a range operating mechanism, a transmitting mechanism, a first range detection section, a second range detection section, a judging section, a failure judging section, a controller, and a speed detecting sensor; specifically, wherein the controller generates an alarm and stops the drive mechanism as a fail-safe procedure, responsive to judgement of failure by the failure judging section, as recited in the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 703-305-3690. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ddl

 11/4/04
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